

**CITY OF NEWBERG CITY COUNCIL MINUTES**  
**DECEMBER 5, 2011**  
**7:00 P.M. MEETING**  
**PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held prior to the meeting. A presentation from the Planning Division was given on the Housing Rehab Grant. All Councilors and the Mayor were present; no action was taken; and no decisions were made.

**I. CALL MEETING TO ORDER**

Mayor Bob Andrews called the meeting to order at 7:00 PM.

**II. ROLL CALL**

**Members**

Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard	Stephen McKinney
	Bart Rierson	Marc Shelton	Wade Witherspoon	

**Staff**

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Dain Eichel, Interim Public Works Director	Norma I. Alley, City Recorder
	Janelle Nordyke, Finance Director	Jennifer Nelson, Minutes Recorder

**Others**

Present: Doris Brandt, Neal Klein, Kari Lawson, Helen Brown, Blair Didway, and Aaron Braun.

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. APPOINTMENTS**

1. Consider a motion appointing Doris Brandt, Neal Klein, and Kari Lawson to the Traffic Safety Commission for terms expiring December, 2014, and Hannah Kinney to the Student Traffic Safety Commissioner position for a term expiring May, 2012.

**MOTION: McKinney/Rierson** appointing Doris Brandt, Neal Klein, and Kari Lawson to the Traffic Safety Commission for terms expiring December 31, 2014, and Hannah Kinney to the Student Traffic Safety Commissioner position for a term expiring May 31, 2012. Motion carried (7 Yes/0 No).

2. Consider a motion appointing Ernie Amundson, Jr., Helen Brown, and Blair Didway to the Citizens' Rate Review Committee for terms expiring December, 2014.

**MOTION: Rierson/Bacon** appointing Ernie Amundson, Jr., Helen Brown, and Blair Didway to the Citizens' Rate Review Committee for terms expiring December 31, 2014. Motion carried (7 Yes/0 No).

**V. CITY MANAGER'S REPORT**

Mr. Daniel Danicic, City Manager, provided updates on Mr. Soppe's questions about the Local Improvement District (LID) project stating he received a staff report last Friday, which he will review and report to Council in the next couple meetings.

Councilor Wade Witherspoon asked if the work being done to the railroad tracks on College Street was in preparation of this project. Mr. Danicic replied it was not related, but a continuation of a prior project with last portion being the track improvements.

Mr. Danicic spoke of a recent citizen concern regarding the railroad track crossings on River Street. The county said they do not do any of this type of work and stated the railroad is responsible for improvements. Messages have been left with Portland and Western Railroad and SP Newsprint, but staff has not received any responses.

## **VI. PUBLIC COMMENTS**

None.

## **VII. CONSENT CALENDAR**

Consider a motion approving October 17, 2011, City Council minutes.

**MOTION:** Witherspoon/Shelton approving the Consent Calendar including the City Council minutes from October 17, 2011, as amended. Motion carried (7 Yes/0 No).

## **VIII. NEW BUSINESS**

1. Consider a motion approving **Resolution No. 2011-2982** authorizing the city manager to execute a Contract Change Order #1 with M.A. Mortenson Construction for the secondary clarifier design pre-construction services.

TIME – 7:10 PM

Mayor Andrews asked about the actual purpose for the funds and if it was for construction or planning. Mr. Danicic stated it was for design level work and they are not replacing any clarifiers.

Councilor Marc Shelton said he was confused with the action Council took in August to move forward with urgent repairs and stated the language here is similar to what was in August. Mr. Dain Eichel, Interim Public Works Director, stated this allows for one of the gear boxes to be on the shelf in case one goes down for immediate install, rather than waiting and risking a violation of the permit.

Councilor Shelton asked if an increase was just approved in August what has changed to require this action and why could it not have been done in August other than the fact that the Department of Environmental Quality (DEQ) is saying there is a potential for a violation requiring this purchase. He said he is hesitant to hand over more money if the work is not going to be done soon. Mr. Aaron Braun, M.A. Mortenson Construction CM/GC, stated with the construction amendment in August, work was started right away for December 1, 2011, but the DEQ loan was not received so additional preconstruction services were required.

Councilor Shelton asked if DEQ approving the loan was the trigger for the delays. Mr. Braun replied yes. Mr. Eichel added approval is needed from DEQ and they have to set up meetings with them to move forward and can only do so with the approval of Council.

Councilor Howard asked about the cost of the emergency repairs opposed to costs of the clarifier. Mr. Braun replied the cost is about half a million dollars approximately for the urgent repairs with \$250,000.00 to \$275,000.00 for part of the clarifier. Just the actual report and the transmission for the drive mechanism are immediate and not the \$226,000.00 previously approved. Mayor Andrews clarified the previously approved amount was \$118,000.00; he asked if this change order is for the preconstruction designs to be ready to do the previously approved repairs. Mr. Braun stated this was correct.

Councilor Shelton said he went back into the record and saw the RFP was approved in 2009 and as he understood it, part of the whole reason they moved towards this methodology vs. the design/bid process, was to reduce costs, not increase them. He understands we are talking about only \$13,000.00 of a much larger picture, but it was their due diligence to hear why. He said he is reassured to hear they are ready to move forward and understands it is not always easy to deal with other government agencies to get things done in a timely manner. Now he understands this has to be done now to move forward and stay on course for what we have approved back in August to be completed.

Mr. Danicic clarified the different figures that had been referred to thus far stating the approval in April, 2011, for \$118,000.00 was for preconstruction design services for urgent repairs, while the August, 2011 approval was the guaranteed maximum price for \$226,000.00 to complete the urgent repairs without the clarifier. Mr. Danicic asked the consultant when they expected the work to be done on that portion approved in August. Mr. Braun said they are on hold until DEQ finalized the last element and they have to have a preconstruction meeting with DEQ first; they are ready to order the parts and do the site work hopefully before February and anticipate completion by March or April of 2012. Mr. Danicic asked if they are in a position to postpone the urgent repairs. Mr. Braun said they need to be done as soon as possible due to risk mitigation. Mr. Eichel added if the motor goes down it is \$10,000.00 to replace since they do not make it anymore.

Discussions continued for further clarification to the Council as to how this additional \$13,000.00 relates to the \$118,000.00 already approved and in the bucket for repairs. The additional funds are needed to continue efforts for the clarifier for design and construction, which is separate from the urgent repairs themselves. They discussed there still being overall savings on the larger parts of the entire project which is part of the valued engineering and analysis part of this methodology.

Councilor Witherspoon, stated at the risk of oversimplifying the matter, Council is being asked to approve \$13,000.00 of additional funds for administrative fees, which are the costs of doing business when they take one large project and break it into two smaller ones. This is a direct result of the delay caused by an outside agency, which is beyond our control.

**MOTION: Shelton/Witherspoon** adopting **Resolution No. 2011-2982** authorizing the city manager to execute a Contract Change Order #1 with M.A. Mortenson Construction for the secondary clarifier design pre-construction services. Motion carried (7 Yes/0 No).

2. Consider a motion approving **Resolution No. 2011-2981** accepting the canvass of votes for the November 8, 2011, election.

TIME – 7:35 PM

Mayor Andrews introduced the resolution and asked if there were any further changes.

Ms. Norma Alley, City Recorder, handed out an updated resolution and stated there was one more change with the County canvas of votes because they now have the official numbers; before they were unofficial.

Councilor Shelton pointed out language in the second resolves and asked if the measure was actually approved and if council offices were elected. He said it appears the language is still there from a previous request for action. Mr. Mahr said it should say the following measure is to have failed and remove the reference about council elections.

**MOTION: Shelton/Bacon** approving **Resolution No. 2011-2981** accepting the canvass of votes for the November 8, 2011, election, as amended. Motion carried (7 Yes/0 No).

## IX. COUNCIL BUSINESS

TIME – 7:44 PM

Councilor Howard spoke about issues with capital improvement projects prioritizing and proposed holding a work session to further clarify the process and reevaluate this on a regular basis.

Councilor Witherspoon said he would appreciate taking the time to do this and felt it should be taken further to develop visioning for the long term with specific goals for how to get there.

Mayor Andrews asked if this dovetails on prioritizing the core functions of the city or if it is completely different. Councilor Howard said he could see a connection but felt it was important to set priorities separate from budgeting.

Discussions continued to determine if a single work session was appropriate to cover the information and requested staff come up with an outline of topics to cover and how to present them.

Mayor Andrews brought up the request from the housing rehabilitation program grant application asking for the Council's concurrence and authorization to submit a grant request for \$400,000.00.

Councilor Shelton said he appreciated the grant will benefit Newberg residents as a priority as well as the rest of the County too and would like to see the money distributed as much as possible.

Councilor Denise Bacon added that she supports this and knows of several people in her neighborhood that have taken advantage of this program in the past and are thankful for the safety and comfort it provides.

**MOTION:** **Rierson/Howard** authorizing the Housing Rehabilitation Program to move forward with a \$400,000.00 grant application assisted by city staff. Motion carried (7 Yes/0 No).

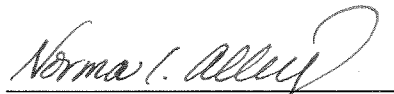
Councilor Witherspoon spoke about recent notice of the Permit Center SDC fee inflation increases and spoke with staff about publishing the process the manager wrote about in his report to the Council for the public to see and understand. Details as to what information to include and where to place that information was discussed.

Mr. Mahr mentioned fix-it tickets and traffic school implementation on January 1, 2012, and his desire to go over the changes with the new judge.


## X. ADJOURNMENT

The meeting adjourned at 8:12 PM.

**ADOPTED** by the Newberg City Council this 3<sup>rd</sup> day of January, 2012.

  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 5<sup>th</sup> day of January, 2012.

  
Bob Andrews, Mayor